

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Patrick Kingston

Plaintiff(s),

v.

Erie County Supreme Court
Index No: 2012-000970

**Cardinal O'Hara High School;
The Diocese of Buffalo, N.Y.; &
The Boys and Girls Club of the Northtowns
Foundation, Inc.**

CIV No. 12 CV 349
Hon. William M. Skretny

Defendants.

NOTICE OF MOTION TO REMAND THE ACTION TO STATE COURT

PLEASE TAKE NOTICE, that Plaintiff, Patrick Kingston, by his attorney Frank J. Dolce, Cantor, Dolce & Panepinto, P.C. will move, and does hereby move this Court pursuant to 28 U.S.C. §1447 and 28 U.S.C. §1441(b)(2), at a date and time to be set by the Court, for an Order Remanding this Action to New York State Supreme Court, Erie County.

The grounds for the aforesaid motion are more fully set forth in the Plaintiff's Attorney Affidavit in Support of the Motion to Remand the Action to State Court together with Exhibits A through C, and Plaintiff's Memorandum of Law in Support of the Motion to Remand the Action to State Court, which are being filed separately herewith.

The Plaintiff also requests such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that Plaintiff may wish to file and serve reply papers, therefore responding papers must be filed and served in accordance with Local Rule 7(b)(2)(B).

Dated: Buffalo, New York
May 1, 2012

Respectfully submitted,

/s/ Frank J. Dolce, Esq.

Frank J. Dolce, Esq.
Cantor, Dolce & Panepinto
1600 Main Place Tower
350 Main Street
Buffalo, New York 14202
(716) 852-1888
fdolce@cldplaw.com

TO:

Thomas J. Speyer
Chelus Herdzik Speyer & Monte, P.C.
*Attorneys for Defendants Cardinal O'Hara High School
and the Diocese of Buffalo*
Main Court Building
438 Main Street, 10th Floor
Buffalo, New York 14202

Michael J. Appelbaum
Damon and Morey, LLP
Attorney for Defendant The Boys and Girls Club of the Northtowns Foundation, Inc.,
The Avant Building, Suite 1200
200 Delaware Avenue
Buffalo, New York 14202